



General Assembly

January Session, 2009

Committee Bill No. 5538

LCO No. 4615

04615HB05538PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT CONCERNING STORAGE OF POSSESSIONS AND
PERSONAL EFFECTS OF EVICTED TENANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47a-42 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Whenever a judgment is entered against a defendant pursuant to
4 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of
5 possession or occupancy of residential property, such defendant and
6 any other occupant bound by the judgment by subsection (a) of section
7 47a-26h shall forthwith remove himself or herself, such defendant's or
8 occupant's possessions and all personal effects unless execution has
9 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If
10 execution has been stayed, such defendant or occupant shall forthwith
11 remove himself or herself, such defendant's or occupant's possessions
12 and all personal effects upon the expiration of any stay of execution. If
13 the defendant or occupant has not so removed himself or herself upon
14 entry of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or
15 47a-26d, and upon expiration of any stay of execution, the plaintiff
16 may obtain an execution upon such summary process judgment, and

17 the defendant or other occupant bound by the judgment by subsection
18 (a) of section 47a-26h and the possessions and personal effects of such
19 defendant or other occupant may be removed by a state marshal,
20 pursuant to such execution, and such possessions and personal effects
21 may be set out on the adjacent sidewalk, street or highway.

22 (b) Before any such removal, the state marshal charged with
23 executing upon any such judgment of eviction shall give the chief
24 executive officer of the town twenty-four hours notice of the eviction,
25 stating the date, time and location of such eviction as well as a general
26 description, if known, of the types and amount of property to be
27 removed from the premises. Before giving such notice to the chief
28 executive officer of the town, the state marshal shall use reasonable
29 efforts to locate and notify the defendant of the date and time such
30 eviction is to take place and of the possibility of a sale pursuant to
31 subsection (c) of this section. Such notice shall include service upon
32 each defendant and upon any other person in occupancy, either
33 personally or at the premises, of a true copy of the summary process
34 execution. Such execution shall be on a form prescribed by the Judicial
35 Department, shall be in clear and simple language and in readable
36 format, and shall contain, in addition to other notices given to the
37 defendant in the execution, a conspicuous notice, in large boldface
38 type, that a person who claims to have a right to continue to occupy
39 the premises should immediately contact an attorney.

40 (c) Whenever the possessions and personal effects of a defendant
41 are set out on the sidewalk, street or highway, and are not immediately
42 removed by the defendant, the chief executive officer of the town shall
43 remove and store the same. Such removal and storage shall be at the
44 expense of the defendant. If such possessions and effects are not called
45 for by the defendant and the expense of such removal and storage is
46 not paid to the chief executive officer within fifteen days after such
47 eviction, the chief executive officer shall sell the same at public auction,
48 after using reasonable efforts to locate and notify the defendant of such
49 sale and after posting notice of such sale for one week on the public

50 signpost nearest to the place where the eviction was made, if any, or at
 51 some exterior place near the office of the town clerk. The chief
 52 executive officer shall deliver to the defendant the net proceeds of such
 53 sale, if any, after deducting a reasonable charge for removal and
 54 storage of such possessions and effects. If the defendant does not
 55 demand the net proceeds within thirty days after such sale, the chief
 56 executive officer shall turn over the net proceeds of the sale to the town
 57 treasury. Any municipality may contract with one or more
 58 municipalities to operate a facility to store possessions and personal
 59 effects that are removed from a sidewalk under this section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2009	47a-42
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Statement of Purpose:

To clarify the authority of municipalities to jointly operate storage facilities for the possessions of evicted tenants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. O'ROURKE, 32nd Dist.; REP. BOUKUS, 22nd Dist.

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